

FAQ's ABOUT MODEL CONTRACTS for INFORMATION TECHNOLOGY INVESTMENTS

The following are frequently asked questions (FAQ's) about the use of the Information Services Board (ISB) Model Contracts for Information Technology (IT) acquisitions. If you have additional questions, please ask your [Senior Technology Management Consultant](#).

1. Q: What are the model contracts?
A: The model contracts are documents that you can use as a template when purchasing equipment, software or IT services (personal* or purchased). Each model contract contains the terms and conditions that should be addressed for each type of purchase with explanations and instructions.
2. Q: Why were the model contracts developed?
A: The models were developed to save agencies some time and effort. The models can assist agencies with the process of assembling well-written contracts that address the unique issues that arise in acquiring IT goods and services.
3. Q: How do I use the model contracts?
A: First select the model that matches the type of purchase you are making, i.e., equipment, software, purchased service or personal service*. If your acquisition involves more than one type, start with the model contract that addresses the major purpose of your acquisition and integrate additional provisions from the other models into your contract. Review the model contract that you are starting from, reading the explanation boxes (with shaded gray backgrounds) to learn about the various sections of the contract and the items that are *[italicized, bracketed, and in red]* to see the types of information you will need to decide and fill in. These boxes need to be deleted and the red italicized items should be filled in with the requested information, if pertinent, or deleted, and the formatting returned to normal as you develop your contract. You may have additional sections to add and you may not need to include all the sections from the model. Just be sure that your contract addresses all the sections of the model that are marked *required*. When you have completed your draft, you will need to have it reviewed and approved as to form by your agency's Assistant Attorney General.

4. Q: What if we are acquiring a combination of IT goods and services — for example, both equipment and maintenance services? Do we use the equipment or the purchased services model contract?

A: When an acquisition includes a combination, like equipment and maintenance, start with the model contract that addresses the major purpose of the acquisition, probably the equipment model in this example, and integrate additional provisions from the other models, like the purchased services model, into your contract.

5. Q: When do we use the model contracts?

A: Every IT acquisition requires some kind of a contract. In the case of a simple acquisition that is low cost, low volume, or off-the-shelf, a purchase order approved by your agency's Assistant Attorney General that is consistent with the Information Services Board Information Technology Investment Policy can be used as the contract. When you are conducting an acquisition for IT goods or services with a cost estimated at \$100,000 or higher, you are required to include a draft contract based on the model contracts in the solicitation document (e.g., RFP or RFQ). This contract will be the basis for negotiating the final contract. Even if you are acquiring IT goods or services as a direct buy or sole source, you should use the model contracts as a starting point for negotiations.

6. Q: When do we need to include a draft contract based on the model contracts with the solicitation documents?

A: A Draft contract based on the model contracts must accompany the solicitation documents when the estimated cost of the competitive acquisition is \$100,000 or more.

7. Q: Do we have to use all of the sections in the model contracts?

A: Those sections designated *required* must be used, but those designated *optional* are recommended if they apply, but may be included or not at your discretion.

8. Q: Can we use different language from the language in both the *optional* and the *required* sections of the model contracts?

A: Yes, in fact there may be instances where your acquisition may require additional sections and modified language in the model sections. So long as all the *required* sections are addressed you may modify the language to fit your agency's needs. Be sure to have your contract language reviewed and approved as to form by your Assistant Attorney General

9. Q: What happens when we need to change the language in our contract during negotiations with the vendor?

A: You can make changes to the language in both optional and required sections as a result of your negotiations, so long as you have provided

adequate protections for your agency. You should consult with your agency's Assistant Attorney General when you have questions be sure to have your final contract language reviewed and approved as to form.

10.Q: Do we need to use a model contract for a sole source acquisition?

A: Yes, a model contract must be used to open up contract negotiations.

11.Q: Who developed the model contracts?

A: A team of contracts attorneys and contract specialists who have conducted acquisitions and negotiated contracts for a variety of IT goods and services met together over a period of months to draft these contracts. The four model contracts were then reviewed and approved as to form by the Attorney General's Office and then adopted by the Information Services Board.

12.Q: Where can I find more details about the use of the model contracts?

A: At the IT Portfolio website <http://www.dis.wa.gov/portfolio/> under Planning for IT Investments and Instructions for Information Technology Model Contracts at [http://www.dis.wa.gov/portfolio/word/Model Contracts Instructions 12-6.doc](http://www.dis.wa.gov/portfolio/word/Model%20Contracts%20Instructions%2012-6.doc)

*Note: IT Personal Services are also under the purchasing authority of the Office of Financial Management (OFM). For IT personal services acquisitions, OFM contracting requirements must be followed in addition to ISB requirements. Information about OFM requirements may be found at: <http://www.ofm.wa.gov/contracts.htm>